



Borough of Ben Avon

7101 Church Avenue, Ben Avon, PA 15202
phone 412-766-7704 • fax 412-766-7311

Council Work Session
October 4, 2022

The Borough of Ben Avon Council met in a work session meeting on Tuesday, October 4, 2022, virtually and at 7101 Church Avenue. President Richard Wagner presided and opened the meeting at 7:00pm with the Pledge of Allegiance.

ROLL CALL:

Council Members Present: Russell Kuehner, Ken Opiery, Jim Thornton, Rick Wagner, Tavia Washington

Council Members Absent: Jennifer Bett, Kara Roggenkamp

Others Present: Mayor Melanie Holcomb, Solicitor Daniel Conlon

PUBLIC PARTICIPATION: *there was no public participation*

COMMITTEE REPORTS

ADMINISTRATION: *no update given*

PUBLIC AFFAIRS: *no update given*

FINANCE: *no update given*

PUBLIC SAFETY:

Mr. Wagner reported that he had received a call from another resident concerning the fence at 7119 Church Avenue. stated that if individuals park on the street, they can be ticketed and towed, although the Borough may need to put up signage regarding the prohibited parking. He further stated that if individuals park in the lot, there needs to be a no trespassing signs posted, and then owner can have them towed. Mr. Wagner stated that he would follow up with Ohio Township police to get more clarification regarding the situation.

PUBLIC WORKS:

Mr. Opiery reported that the paving project is behind schedule. Due to this delay and the upcoming leaf removal, he proposed that this project be deferred until spring. He reported that the current pricing



will be held until then. Mr. Pipery noted that he will ask the Borough Secretary, Terrie Patsch, to send letters to the impacted residents regarding this delay.

COG:

Mr. Wagner reported that the annual dinner will be held tomorrow, October 5th. He and Mr. Conlon will be attending. Mr. Wagner also mentioned that as we look ahead at Public Works projects, we may want to look at grant funds through the COG to help fund those.

SUSTAINABILITY: *no update given*

SPECIAL PROJECTS:

MOTION: Mr. Thornton; **SECOND:** Mr. Kuehner; **Motion Carried** by unanimous voice vote to amend the agenda to include a vote on the Keystone Grant amendment.

CENTENNIAL BLDG PROJECT:

Representatives from Harrisburg contacted Mr. Wagner about the Keystone Grant that the Borough submitted for the Building Project. We were informed that we had submitted grant applications for both a 'sponsor' and a 'competitive' Keystone Grant. The Borough was asked to submit only one grant, which is the 'sponsored' grant that is being supported by Senator Fontana. This required that we update Resolution 2022-10 to reflect the updated submission value of the grant to \$303,000.

MOTION: Mr. Thornton; **SECOND:** Mr. Kuehner; **Motion Carried** by unanimous voice vote to amend the Keystone grant from \$200,000 to \$300,000 for building modifications for ADA compliance.

TOPICS FOR DISCUSSION:

ORDINANCE 792:

Mr. Conlon summarized Ordinance 792 for the group. He explained that there have been issues with new homeowners not receiving their property tax bills due to them going to the wrong address, then being charged penalties for late payment. Ordinance 792 would make allowances for residents that can provide proof that the address wasn't updated. He stated that there should really be no concerns regarding loss of revenue because this will affect a small amount of funds overall.

Mr. Conlon advised that the next step would be to advertise in The Citizen at least seven days prior to when the Council plans to vote. He proposed to plan to vote at the November meeting to allow time for proper notification to occur.



JPC ORDINANCE PROCEDURE:

Mr. Wagner stated that the working sessions will be used to discuss ordinance proposals and changes.

Mr. Conlon discussed the roles of individual boroughs and the JPC. He stated that the JPC is a recommending body, while the borough is a legislative body. The JPC requires unanimous support from all three boroughs to make ordinance changes.

SIGN ORD:

Mr. Wagner and Mr. Conlon presented the details of the ordinance to the group. It was discussed that this ordinance does not pertain to campaign signs, as those are covered elsewhere. It was discussed that this is a size-based policy. It was further discussed whether this is a 1st amendment infringement. Mr. Conlon advised that he doubts the enforceability of a size-based ordinance. Rick stated that we should discuss further with the JPC regarding the legality of implementing this ordinance.

PROPOSED FENCE:

Mr. Wagner reported that feedback on the Proposed Fence Ordinance and Tavern & Bar Ordinance had already been provided to the JPC.

TAVERN & BAR: This was not discussed.

FOOD TRUCKS:

Mr. Wagner discussed with the group whether it is the Borough's intent to start issuing permits for food trucks. Mayor Holcomb stated that trucks are already required to have a permit from the Health Department, this ordinance would be to verify that. The mayor further stated that she is conflicted. She can see where there may be some issues with food trucks in the borough such as: competing with local businesses, parking issues, late night noise issues. She also noted that having food trucks in the community may be beneficial but requiring permits could inhibit them from coming to the area. Mr. Wagner stated that food trucks don't seem to be posing any issues to the community at this time and proposed that we continue to monitor this for issues and to revisit it for discussion in the future.

FILMING ORD & FILM LICENSE AGREEMENT:

Mr. Wagner stated that filming can sometimes be inconvenient for neighbors, although there haven't been many complaints about filming in the past. He noted that the Borough could better educate the public regarding notifications to neighbors about disruptions.

Mayor Holcomb noted that, although we don't have any permit requirements on the books for now, she does try to get as much in writing as possible. She further noted that so far filming has only taken place on private property, which the main issue being the number of vehicles. She also noted that the vehicles are difficult to manage for now.

Mr. Opiery stated that the Borough needs to implement something to help regulate parking so that filming doesn't end up occupying an entire street.



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Mr. Wagner noted that the issues should be explored and discussed further in the future.

PROPOSED ELECTRIC VEHICLE ORD:

The proposed electric vehicle ordinance was briefly discussed. Mr. Wagner discussed the difficulties of implementing the ordinance in Ben Avon due to primarily having street parking. The group discussed whether charging cords would be allowed on the sidewalk and if we would require a tread to cover them. Mr. Wagner suggested that there may already be something on the books regarding sidewalk impediments. He further stated that he would contact Jarrod to inquire about this.

FEE SCHEDULE:

Mr. Kuehner inquired about clarification regarding what some of the fees listed are specifically for. He further asked if we have fees for handicap parking and burning. The group discussed that the Borough does not currently have fees for those.

Mr. Wagner suggested that we look over the questions posed so far and discuss further at a later working session.

ADJOURNMENT TO EXECUTIVE SESSION

MOTION: Mr. Thornton; **SECOND:** Mr. Kuehner; **Motion Carried** by unanimous voice vote to adjourn to executive session at 8:20 p.m.

RETURN TO REGULAR SESSION

MOTION: Mr. Thornton; **SECOND:** Mr. Kuehner; **Motion Carried** by unanimous voice vote to adjourn to executive session at 8:49 p.m.

ADJOURNMENT

MOTION: Mr. Kuehner; **SECOND:** Mr. Thornton; **Motion Carried** by unanimous voice vote to adjourn meeting at 8:54 p.m.

Submitted,

Tavia Washington
Councilmember



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